S.B. CIVIL MISC. APPEAL NO. 127/2000

Date : 07.03.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Manish Shishodia for the appellant.
Mr. Rajesh Panwar] for the respondents.
Mr. Jagdish Vyas]

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Heard.

In this case, the claimant Panmal sustained fracture of femur and left knee patela. A sum of Rs. 15,000/- has been awarded which is considered to be on the lesser side. Fracture of femur bone results into lesser movement of leg. As and when a fracture of femur takes place, many postural problems occur to the injured apart from pain which occurs periodically and occasionally. The Tribunal has awarded Rs.15,000/- for the fracture which appears to be grossly insufficient because with the fractured femur, a man becomes psychologically weak. Every time when he has to do something strong, it will occur to him that he has a limb which is on the weaker side. The award of Rs.15,000/- for fracture of such a major bone in the facts and circumstances of the case, appears to be grossly insufficient. The same is enhanced to Rs.50,000/-. Rest of the award is maintained as it is.

In this case, another important aspect of the matter is that Insurance Company has been exonerated on the ground that the driver of the vehicle was though having license was not renewed. On the ground of renewal of the license, the Insurance company has cannot be exonerated

plain and simply because the driver had the license. The only defect was of its renewal. Pending renewal, the license is not considered to be invalid. However, since this Court has considered this point in the matter of Smt. Lehri Bai & Anr. Vs. Smt. Meera Kunwar & Ors reported in 2005 (7) RDD 2283 (Raj.) and held that the Insurance company cannot be exonerated. The exoneration of the Insurance company is thus held bad. The Insurance company will make good the award.

The Tribunal will frame the award with the increased amount as indicated above. The appeal is disposed of.

(BHAGWATI PRASAD, J.

bjsh